TO: **Planning Commission**

SUBJECT: **DRAFT Planning Commission Recommendation**
Red Feather Ranch Subdivision
LUC-2014-00011

DATE: **May 1, 2015**

PREPARED BY: **Neal Starkebaum, Assistant Director**

APPLICANT: **Mike and Renee Wright**
P.O. Box 1395
Crested Butte, CO 81224

PROJECT SUMMARY:
Mike and Renee Wright have submitted a land use change application for the subdivision of 18.9-acres into three 6.3-acre single-family residential lots. An existing residence and detached garage, constructed in 2001, is located on proposed lot Ranch 3. Each lot would be served by an individual well, (an existing well and wastewater treatment system is located on proposed lot Ranch 3) and by individual on-site wastewater systems. Access to all of the parcels will be via the existing Wright Ranch Road, from County Road 738 (Brush Creek Road).

The applicants have submitted protective covenants, titled *Declaration of Protective Covenants Red Feather Ranch Subdivision (Covenants)* and Design Guidelines for Red Feather Ranch, which identify specific design standards and limitations on each lot. Second residences are permitted under the covenants.

LOCATION:
The property is located approximately one mile southeast of the Town of Crested Butte, southeast of County Road 738 (Brush Creek Road), legally described as the S1/2SE1/4NE1/4 Section 12, Township 14 South, Range 86 West, 6th P.M., consisting of 18.9-acres.

SURROUNDING LAND USES:
West – Gunnison County - 17-acre parcel; vacant
North – Residential common area and single-family lots within the Larkspur Subdivision; most of the closest lots are vacant
East – Lot 8, Butte Pasture – 9-acres; vacant
South – residential parcels ranging in size from 3-acres to 13-acres; two with existing residences

IMPACT CLASSIFICATION:
Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

PLANS/REPORTS/SUBMITTALS:
Plans, reports, and other submittal documents informing this Decision include, but are not limited to:

- Minor Impact Land Use Change Application – Red Feather Ranch Subdivision
- Vicinity Map – Exhibit D, Site Plan - Exhibit E, and Subdivision Plat – Exhibit F, prepared by Stephen Jessoe, PLS, All County Survey, January 2015

MEETING DATES:
The Planning Commission held meetings on the following dates:

- April 3, 2015 Work Session
- May 1, 2015 Joint Public Hearing
- May 1, 2015 Work Session

SITE VISIT:
The Planning Commission conducted a site visit on April 3, 2015, at which time the Commission viewed the neighborhood, the property and the location of the lot lines and building envelopes.

PUBLIC HEARING:
The Planning Commission and the Board of County Commissioners conducted a joint public hearing on May 1, 2015, at that time…… All testimony, both written and oral, is hereby incorporated as part of this record of review and evaluation.

REVIEW AGENCY REFERRAL COMMENTS:
Comments were received from the following agencies:

- **Colorado Division of Wildlife** – J Wenum, Gunnison Area Wildlife Manager, Colorado Division of Wildlife, letter of March 13, 2015. Excerpts include:
  "My staff has reviewed the Red Feather Ranch subdivision request submitted by Michael and Renee Wright, which proposes dividing one 18.9 acre parcel into three 6+ acre parcels. They have also visited the site, which is composed of low rolling, sage brush dominated hills. The site is located on the south side of Wright Ranch Road, Gunnison County Colorado.

  The proposed subdivision is located within a mapped elk winter concentration area and migration corridor, Canada goose production area, and black bear human conflict area (CPW Species Activity Mapping, 2007). Prairie dogs, cotton tail rabbits, striped skunks, red fox, and coyotes would also be expected to inhabit the area, along with numerous other small mammals and an occasional mountain lion.

  During winter months, elk utilize southern facing slopes and valleys for feeding and loafing. The south eastern exposure of Mt. Crested Butte, to the north and east of the proposed subdivision, is one such example of suitable elk winter range. Although the Red Feather Ranch parcel is mapped as elk winter range, and is labeled as critical habitat, the suitability of this parcel of land for wintering elk is negligible. As a consequence of development in mapped elk winter range, residents should not be allowed to chase, scare, disturb, or otherwise harass elk in an attempt to move them off open space areas within the development during the winter months.

  Black bears will likely be the most significant wildlife concern with this development. The adjacent community of Skyland has a history of human/bear conflicts. Both Skyland and the Town of Crested Butte (1.8 miles north) host several "resident" bears, which will check trash cans and dumpsters nightly in search of an easy meal. The resulting conflicts are directly linked to the communities' management of outside pet food, bird feeders, and the careless storage of household and commercial (food service) waste. To avoid human/bear encounters, the proper storage and handling of trash should be given a high priority.

  Fences should be minimized to facilitate wildlife movements, optimize habitat availability, and reduce ·wildlife mortality. We recommend that fence construction. whether of wire, wood, electric,

or synthetic, be wildlife friendly (not exceed 42 inches in height, and not restrict movement of deer or elk).

As the Gunnison Basin continues to develop, habitat available for use by wildlife is incrementally lost and conflicts with wildlife will increase. Although this project in itself affects only a small fragment of available habitat, the effects of "minimal impact"' projects such as this are cumulative, and should be considered as such. We strongly encourage the proponent to advise potential property owners of wildlife that inhabits the area, and ways to avoid and reduce human/wildlife conflicts."

- **Colorado Division of Water Resources** –Megan Sullivan, P.E., Water Resource Engineer, letter of March 20, 2015. Excerpts include:
  "We have reviewed the above subdivide a parcel of approximately 18.9 acres into three approximately equally sized parcels. The applicant proposes to supply water through three individual on-lot wells, however the use of the three wells was not specified such as the number of dwellings per lot including any accessory dwelling units, number of domestic animals/livestock, if any, and amount of lawn and garden, again if any. Sewage disposal is to be provided through individual sewage disposal systems.

  …… it is our opinion, pursuant to CRS 30-28-136(1)(h)(I), that the proposed water supply is expected to be physically adequate provided the production of the existing well and the proposed wells are similar to the results of the well test conducted in 2007 for Permit no. 207669. However material injury will occur to decreed water rights unless the applicant obtains and maintains valid well permits for all the wells, including the existing well, pursuant to a court approved plan for augmentation, such as the one approved for Upper Gunnison River Water Conservancy District. We recommend that prior to final approval of the subdivision, the County requires the applicant to provide copies of valid permits issued pursuant to an approved augmentation plan, for all the lots."

- **Crested Butte Fire Protection District** –Scott Wimmer, Fire Inspector and Ric Ems, Fire Chief/Fire Marshal, March 19, 2015. The comments note:
  "The Fire Division of the Crested Butte Fire Protection District has received your proposal for the above noted project. After reviewing the proposal for compliance with adopted codes and ordinances we have no objections to the proposal."

- **Gunnison County Environmental Health Office** - Crystal Lambert, Environmental Health Official, memo of March 18, 2015. Her comments note:
  "The Environmental Health Office has received a request to review the application for the Red Feather Ranch Land Use Change. The applicants are proposing a three parcel subdivision. Each of the three proposed parcels will be approximately 6.3 Acres and each parcel will contain a building envelope of varying sizes ranging from 1.72 to 2.3 acres.

  Connection to central sewer could be explored by the property owners. The nearest manhole serviced by the East River Sanitation District and the Larkspur Subdivision Home Owners Association is approximately 200 feet to the north (in the Lexie Ct. turnaround). However, according to the East River Sanitation District, connection to the central sewer system would not be allowed unless the following is achieved:
    1. An agreement between Red Feather Ranch and the Larkspur HOA would need to be made for utilization of the Larkspur Subdivision's infrastructure.
    2. Red Feather Ranch would need to become part of the East River Sanitation District.
    3. A utility easement through private property may need to be attained for a closest path,

straight-line connection.

The proposed Ranch 3 already has an existing on-site wastewater treatment system (OWTS) and single family residence. With conscientious site planning of well, septic and structure locations it is feasible that the remaining proposed parcels, Ranches 1 and 2, may be able to each receive approval for OWT systems.

Currently, the Gunnison County OWTS Regulations do not prohibit the installation of OWT systems for the proposed parcels. The proposed subdivision property boundary is within 400 feet of a central sewer system, however, the property is not located within the sanitation district."

- **Gunnison County Public Works Department** – Marlene Crosby, Public Works Director, email of March 23, 2015. She notes that:
  "You are correct that the existing road for Mike Wright's lots will be adequate."

- **Town of Crested Butte** – Michael Yerman, Town Planner, Town of Crested Butte, noted in a conversation with staff that:
  "The Town will not be providing comments on this application."

COMPLIANCE WITH APPLICABLE SECTIONS OF THE *GUNNISON COUNTY LAND USE RESOLUTION:*

Section 9-508: Keeping of Livestock not on an Agricultural Operation.
The applicant proposes to allow livestock on the property.
Covenants. Section 6.1.9. require compliance with NRCS recommendations and noxious weed management.

Section 10-102: *Locational Standards for Residential Development.*
The proposed subdivision meets the primary locational standard, as it is within a municipal three mile plan (Town of Crested Butte). Comments were requested from the Town of Crested Butte. Michael Yerman, Town Planner, Town of Crested Butte, in conversation with staff, noted that the Town will not be submitting comments on this subdivision application.

Section 10-103: *Residential Density.*
The proposed subdivision meets the density standard as the lot sizes and lot density are substantially similar to adjacent parcels. The subdivision will consist of three 6.3-acres lots, and with allowed second residences, the density is 3.15-acres/unit. The residential density of the lots fall into a midrange of the adjacent parcel sizes and densities. Adjacent lots range in size from 3.4-acres to 13-acres in size. Two residences are permitted, with a land use change on the adjacent lots, including Lot 9 in Butte Pastures, if augmentation water is available from the Upper Gunnison River Conservancy District.

Section 11-103: *Development in Areas Subject to Flood Hazards*.
The property contains a flood hazard area, identified as Zone A on FEMA Panel 08051CO0727D, as shown on the site plan. The building envelopes are located outside of the floodplain, which is a seasonal drainage, containing no live water.

Section 11-104: *Development in Areas Subject to Geologic Hazards*.
The property is not within a geologic hazard area, according to County mapping.

Section 11-105: ***Development in Areas Subject to Wildfire Hazards.***
The subject property is within an area with low wildfire hazard, as identified by County mapping.

Section 11-106: ***Protection of Wildlife Habitat Areas.***
The property is not within Gunnison Sage-grouse habitat. Comments from J Wenum, Area WL Manager, Colorado Division of Wildlife, letter of March 13, 2015, indicate that the proposal will not result in significant additional impacts to wildlife.

Section 11-107: ***Protection of Water Quality*****.**
Not applicable. The property is not located within 125 feet of any identified wetlands or waterbodies.

Section 11-108: ***Standards for Development on Ridgelines.***
The property is not located on a ridgeline.

Section 11-109: ***Development that Affects Agricultural Lands.***
Not applicable. The site is not adjacent to agricultural land or within proximity to agricultural lands.

Section 11-110: ***Development of Land beyond Snowplowed Access*****.**
Not applicable, the site is not located beyond snowplowed access.

Section 11-111: ***Development on Inholdings in the National Wilderness.***
Not applicable, the site is not located on a National Wilderness inholding.

Section 11-112: ***Development on Property above Timberline.***
Not applicable, the site is not located above timberline.

Section 12-103: ***Road System***.
The proposed lots and existing house are accessed by the existing Wright Ranch Road, 80' easement for access to the Wright property, recorded at Reception No. 568257, August 21, 2006, in the Office of the Gunnison County Clerk and Recorder. The easement also provides access to Lot 9, Butte Pastures Subdivision.

Staff discussion with Marlene Crosby, Public Works Director, email of March 23, 2015, indicate that the existing road complies with the minimum requirements under the Gunnison County Specifications for Road and Bridge Construction and that no additional improvements to the existing road are required.

Section 12-104: ***Public Trails***.
There is no public trail existing or proposed.

Section 12-105: ***Water Supply*****.**
An existing well is located on the property, permitted by the Colorado Division of Water Resources, Well Permit No. 207669, drilled on February 5, 1999. (Located on proposed Ranch 3) The applicant proposes to purchase sufficient augmentation water, (10 base units of augmentation water) from the Upper Gunnison River Water Conservancy District to provide the legal water supply for the potential residences in the subdivision. Comments from Megan Sullivan, P.E., Water Resource Engineer, Colorado Division of Water Resources, letter of March 20, 2015, note approval of the proposed water supply plan. She recommends that prior

to final approval of the subdivision, the County require the applicant to provide copies of valid well permits, issued pursuant to an approved augmentation plan, for all the lots. Issuance of individual well permits is under the authority of the Colorado Division of Water Resources and subject to the requirements of the Division.

Section 12-106: *Sewage Disposal/Wastewater Treatment.*
An Individual Sewage Disposal System is proposed for each individual residence, on each lot. An On-site Wastewater Treatment System is proposed for Ranch 1 and Ranch 2. The proposed density is one unit/3.15-acres. This meets the density requirement of one acre minimum parcel size for installation of individual onsite wastewater systems. While there is an existing central sewer collection manhole on the Lexie Court cul-de-sac, in the Larkspur Subdivision, within 200 feet of the Wright property, it is currently not feasible to connect to the East River Sanitation District. Crystal Lambert, Environmental Health Official, memo of March 18, 2015, notes feasibility of installation of on-site wastewater treatment systems.

Covenants. Section 6.2.2. requires that at such time that the sanitation district is willing and able to provide central sewer to the development, the lot owners will connect.

Section 12-107: *Fire Protection*.
The property is served by the Crested Butte Fire Protection District. Scott Wimmer, Fire Inspector, Crested Butte Fire Protection District, letter of March 19, 2015, notes that the District has no objection to the proposal.

Section 13-103: *General Site Plan Standards and Lot Measurements.*
The site plan for the subdivision complies with the standards of this Section.

Section 13-104: *Setbacks from Property Lines and Road Rights-of-Way.*
The building envelopes meet the setback requirements.

Section 13-105: *Residential Building Sizes and Lot Coverages.*
Building envelopes have been delineated on the lots. All structures will be located within the building envelopes.

Section 13-106: *Energy and Resource Conservation.*
All structures to be constructed within the development will be subject to the standards of this Section at the time of building permit application.

Section 13-107: *Installation of Solid Fuel-Burning Devices*
Installation of solid fuel-burning devices is subject to the standards of this Section at the time of building permit application.

Covenants. Section 6.2.11 Fireplaces.

Section 13-108: *Open Space and Recreation Areas*
Not applicable. Open space dedication is not required for minor impact projects.

Section 13-109: *Signs.*
There are no signs proposed as part of the submitted application.

Section 13-110: *Off-Road Parking and Loading.*
A minimum of two parking spaces is required for each single-family residence.

Section 13-111: ***Landscaping and Buffering.***
Landscaping is not required for minor impact projects.

Section 13-112: ***Snow storage****.*
Adequate area is available for snow storage on each lot.

Section 13-113: ***Fencing***
All new fencing shall comply with this Section.
Covenants. Section 7.7 Fencing.

Section 13-114: ***Exterior Lighting.***
All new structures are required to comply with this section.
Covenants. Section 6.2.17 Exterior Lighting.

Section 13-115: ***Reclamation and Noxious Weed Control.***
A reclamation permit is required for driveway construction, home site clearing and berm construction.
Covenants. Section 7.6 Landscaping and Weed Management Control.

Section 13-116: ***Grading and Erosion Control.***
Grading activities are required to secure a Reclamation Permit from the Public Works Department, pursuant to Section 13-115: *Reclamation and Noxious Weed Control*.

Section 13-117: ***Drainage, Construction and Post-Construction Stormwater Runoff.***
The one minor drainage on the property is outside of the building envelopes and will not be affected by development on the lots.

Section 13-118: ***Water Impoundments.***
Not applicable, this project does not propose a water impoundment.

Section 13-119: Standards to Ensure Compatible Uses.
Specific design standards and limitations on the uses on each lot are identified in the protective covenants, *Declaration of Protective Covenants Red Feather Ranch Subdivision and Design Guidelines*, to ensure the residential uses are compatible with the existing residential neighborhood.

Section 15-103: ***Right-to-Ranch Policy****.*
This Section is applicable to all land use change permits.

FINDINGS:
The Commission finds that:

1. The Planning Commission has classified the application as a Minor Impact Project, based upon the impact classification found in *Section 6-102: Projects Classified as Minor Impact Projects A. 2-4 Units*.

2. The land use change complies with all applicable requirements of the *Gunnison County Land Use Resolution* and *Section 6-10: Standards of Approval for Minor Impact Projects*.

3. This review and decision incorporates, but is not limited to, all the documentation submitted to the County and included within the Planning Office file relative to this application; including all exhibits, references and documents as included therein.

RECOMMENDATION:
The Gunnison County Planning Commission, having considered the submitted plans, exhibits, site specific mitigation, site observations and public testimony, has reached the above Findings and recommends to the Board of County Commissioners that LUC No. 2014-11 Red Feather Ranch Subdivision, be approved with the following conditions:

1. This permit is limited to activities described within the "Project Summary" of this application, and as depicted on the Site Plan submitted as part of this application. Expansion or change of this use will require either an application for amendment of this permit, or submittal of an application for a new permit, in compliance with applicable requirements of the *Gunnison County Land Use Resolution*.

2. A mylar subdivision plat, in compliance with Section 6-105, *Gunnison County Land Use Resolution*, shall be provided to the Community Development Department, for signature by the Board of County Commissioners. Approval shall not be effective until and unless the plat is recorded with the Office of the Gunnison County Clerk and Recorder.

3. The approval shall be memorialized by Board Resolution. Approval shall not be effective until the Resolution is recorded with the Office of the Gunnison County Clerk and Recorder.

4. Prior to scheduling the application before the Board of County Commissioners, the applicant shall provide evidence of the purchase of the augmentation water from the Upper Gunnison River Water Conservancy, pursuant to an approved augmentation plan, for all of the lots, to the Community Development Department.

5. The applicant shall provide three copies of the recorded subdivision plat, fourteen (14) by seventeen (17) inches in size, to the Building Official, for inclusion into the rural addressing system.

6. The following shall be completed upon recordation of the Plat:
    1) The applicant shall provide two copies of the final plat designating County addresses for each lot, to the appropriate office of Century Link.
    2) The applicant shall provide one copy of the final plat, designating County addresses for each lot, to the U.S. Postal Service.

7. This permit may be revoked or suspended if Gunnison County determines that any material fact set forth herein or represented by the applicant was false or misleading, or that the applicant failed to disclose facts necessary to make any such fact not misleading.

8. The removal or material alteration of any physical feature of the property (geological, topographical or vegetative) relied on herein to mitigate a possible conflict shall require a new or amended land use change permit.

9. Approval of this use is based upon the facts presented and implies no approval of similar use in the same or different location and/or with different impacts on the environment and community. Any such future application shall be reviewed and evaluated, subject to its compliance with current regulations, and its impact to the County.